

From:[Fugh, Justina](#)**To:**

[Adams, Elizabeth](#); [Amon, Dan](#); [Ankley, Gerald](#); [Aunkst, Dana](#); [Avila, Aaron](#); [Badalamente, Mark](#); [Ballotti, Doug](#); [Barber, Delores](#); [Barmakian, Nancy](#); [Barnet, Henry](#); [Barolo, Mark](#); ["Barr, Pamela"](#); [Battin, Andrew](#); [Behl, Betsy](#); [Benjamin-Sirmons, Denise](#); ["Bergstrand, Paul"](#); ["Best-Wong, Benita"](#); [Binder, Bruce](#); [Birnbaum, Rona](#); [Biro, Susan](#); [Blake, Wendy](#); [Blancato, Jerry](#); [Blevins, John](#); [Bloom, David](#); [Boddu, Veera](#); [Bohan, Suzanne](#); [Bonanno, Gale](#); [Bourbon, John](#); [Breen, Barry](#); [Brennan, Thomas](#); [Brincks, Mike](#); [Briskin, Jeanne](#); [Buckley, Timothy](#); [Buhl, Rick](#); [Bunker, Byron](#); [Burneson, Eric](#); [Busterud, Gretchen](#); [Campbell, Jennie](#); [Canzler, Erica](#); [Caro, Vique](#); [Carpenter, Wesley](#); [Cascio, Wayne](#); [Charmley, William](#); [Cherry, Katrina](#); [Chu, Ed](#); [Clanton, Michael](#); [Clark, Becki](#); [Coleman, Charlotte](#); [Conklin, Jeanne](#); [Coogan, Daniel](#); [Coughlin, Christine](#); [Cozad, David](#); [Crossland, Andy](#); [Crossland, Ronnie](#); [Dalbey, Matthew](#); [Daly, Carl](#); [Dawes, Katherine](#); [Dawson, Jeffrey](#); [DeLeon, Rafael](#); [Diaz-Sanchez, David](#); [Dierker, Carl](#); [Dombrowski, John](#); [Dorka, Lilian](#); [Douchand, Larry](#); [Drake, Kerry](#); [Dufour, Alfred](#); [Dunham, Sarah](#); [Dutton, Steven](#); [Echeverria, Marietta](#); [Edwards, Jonathan](#); [Epley, Brian](#); [Epp, Timothy](#); [Esher, Diana](#); [Eubanks, Kristy](#); [Evangelista, Pat](#); [Fernandez, Cristina](#); [Fine, Steven](#); [Fisher, Bill](#); [Fong, Tera](#); [Frazier, Brian](#); [Freeman, Caroline](#); [Fugh, Justina](#); [Garcia, David](#); [Garland, Jay](#); [George, Elizabeth](#); [Gettle, Jeaneanne](#); [Gillespie, Andrew](#); [Gilliland, Alice](#); [Goodin, John](#); [Goodis, Michael](#); [Goss Eng, Alison](#); [Grantham, Nancy](#); [Gray, Linda](#); [Gray, Richard](#); [Greene, Mary](#); [Grifo, Francesca](#); [Grundler, Christopher](#); [Guerrero, Carmen](#); [Guilaram, Yu-Ting](#); [Guiseppe-Elie, Annette](#); [Gullett, Brian](#); [Gunning, Paul](#); [Gutierrez, Sally](#); [Gwinn, Maureen](#); [Hagler, Gayle](#); [Hamian, Lynne](#); [Hamlin, Tim](#); [Harris, Michael](#); [Hart, Debbi](#); [Hartman, Mark](#); [Haugen, David](#); [Helm, Arron](#); [Hengst, Benjamin](#); [Henry, Tala](#); [Hill, Randy](#); [Hisel-McCoy, Sara](#); [Hitchens, Lynnnann](#); [Hoff, Dale](#); [Holt, Kay](#); [Hoskinson, Carolyn](#); [Hubbell, Bryan](#); [Huffman, Diane](#); [Hughes, Hayley](#); [Humphrey, Leslie](#); [Hunt, JuanCarlos](#); [Iglesias, Ariel](#); [Jackson, Yvette](#); [Jernberg, Jorianne](#); [Johnson, Arthur](#); [Jones, Samantha](#); [Jones-Peeler, Meshell](#); [Jordan, Deborah](#); [Judson, Richard](#); [Kaczmarek, Chris](#); [Kadeli, Lek](#); [Kamen, Mara](#); [Kaplan, Robert](#); [Kasman, Mark](#); [Keeley, Ann](#); [Keigwin, Richard](#); [Kelley, Rosemarie](#); [Kemker, Carol](#); [Kenny, Shannon](#); [Kloss, Christopher](#); [Knudsen, Thomas](#); [Koerber, Mike](#); [Korleski, Christopher](#); [Koslow, Karin](#); [Kowalski, Edward](#); [LaPosta, Dore](#); [Lassiter, Penny](#); [Lattimore, Craig](#); [Laureano, Javier](#); [Layne, Arnold](#); [Le, Madison](#); [Lee, Charles](#); [Legare, Pamela](#); [Leonard, Paul](#); [Li, Beverly](#); [Libertz, Catherine](#); ["lindsay.nancy@epa.gov"](#); [Lloyd, David](#); [Lowery, Brgid](#); [Lowit, Anna](#); [Lupinacci, Jean](#); [Lynch, Mary-Kay](#); [Mackey, Cyndy](#); [Maguire, Charles](#); [Maher, Karen](#); [Manning, Tonya](#); [Martian, Stefan](#); [Mathias, Scott](#); [Mathur, Rohit](#); [Matuszko, Jan](#); [May, Benjamin](#); [Mazakas, Pam](#); [McCluney, Lance](#); [McDonald, James](#); [McGartland, Al](#); [McGuire, Karen](#); [McGuire, James](#); [McLain, Jennifer L.](#); [McManus, Catharine](#); [Melvin, Karen](#); [Messina, Edward](#); [Miller, Anthony](#); [Miller, Wynne](#); [Miller, Amy](#); [Monell, Carol](#); [Mooney, John](#); [Moraff, Kenneth](#); [Mosby, Jackie](#); [Mottley, Tanya](#); [Mugdan, Walter](#); [Munns, Wayne](#); [Myrick, Pamela](#); [Nagle, Deborah](#); [Nam, Ed](#); ["nesci.kimberly@epa.gov"](#); [Neugeboren, Steven](#); [Newton, Cheryl](#); [Nguyen, Duch](#); [Nichols, Tonya](#); [Nickerson, William](#); [Nicolosi, Laura](#); [Noga, Vaughn](#); [OBrien, Kathy](#); [O'Connor, Darcy](#); [Ohanian, Edward](#); [Olson, Bryan](#); [Opalski, Dan](#); [Osinski, Michael](#); [Pace, Donald](#); [Packard, Elise](#); [Palmer, Leif](#); [Patlewicz, Grace](#); [Patrick, Kimberly](#); [Payne, James \(Jim\)](#); [Pease, Anita](#); [Perez, Marc](#); [Peterson, Mary](#); [Pirzadeh, Michelle](#); [Pollins, Mark](#); [Price-Fay, Michelle](#); [Quast, Sylvia](#); [Reaves, Elissa](#); [Reed, Khesha](#); [Richardson, RobinH](#); [Roache, Brendan](#); [Robbins, Chris](#); [Robichaud, Jeffery](#); [Rodan, Bruce](#); [Rodrigues, Cecil](#); [Ross, Mary](#); [Rowson, David](#); [Ruvo, Richard](#); [Salver, Kathleen](#); [Sams, Reeder](#); [Sanders, Amy](#); [Sasser, Erika](#); [Sasseville, Sonya](#); [Sawyers, Andrew](#); [Sayles, Gregory](#); [Schefski, Kenneth \(KC\)](#); [Scheraga, Joel](#); [Schmidt, Lorie](#); [Scott, Jeff](#); [Scozzafava, MichaelE](#); [Seager, Cheryl](#); [Serassio, Helen](#); [Shah, Imran](#); [Shapiro, Andy](#); [Shaw, Betsy](#); [Sheehan, Charles](#); [Shields, Edward](#); [Simon, Harvey](#); [Simon, Karl](#); [Simon, Nigel](#); [Singh, Amar V.](#); [Singleton, DeAndre](#); [Skelley, Dana](#); [Smidinger, Betsy](#); [Smith, Mark A.](#); [Smith, Charles](#); [Speth, Thomas](#); [Srinivasan, Gautam](#); [Stalcup, Dana](#); [Stanich, Ted](#); [Starfield, Lawrence](#); [Steenbock, John](#); [Stein, Kathie](#); [Stein, Raffael](#); [Strong, Jamie](#); [Szaro, Deb](#); [Talbert-Duarte, Angelia](#); [Tapia, Cecilia](#); [Tapp, Joshua](#); [Taylor, Jessica](#); [Tejada, Matthew](#); [Tellis, Vickie](#); [Terada, Calvin](#); [Terry, Carol](#); [Thayer, Kris](#); [Thomas, Deb](#); [Thomas, Russell](#); [Thompkins, Anita](#); [Thornhill, Alan](#); [Tomiak, Robert](#); [Torres, Tomas](#); [Trimble, Katherine](#); [Tsigotis, Peter](#); [Updike, David](#); [VanDrunick, Suzanne](#); [Veal, Lee](#); [Viswanathan, Krishna](#); [Vogel, Dana](#); [Wall, Tom](#); [Walsh, Ed](#); [Watkins, Tim](#); [Wayland, Richard](#); [Weber, Rebecca](#); [Wells, Jeffrey](#); [Wells, Krysti](#); [Werner, Jacqueline](#); [Whung, Pai-Yei](#); [Widawsky, David](#); [Williams, Antony](#); [Williams, Maria](#); [Williamson, Anahita](#); [Wood, Anna](#); [Wood, Robert](#); [Wooden-Aguilar, Helena](#); [Wright, Stephanie L.](#); ["wyatt.marc@epa.gov"](#); [Zapata, Cesar](#); [Zartarian, Valerie](#); [Zepp, Richard](#)

Subject:

News about your upcoming financial disclosure filing requirement

Date:

Sunday, January 23, 2022 9:06:00 PM

Attachments:[Advisory to all 278 filers about filing fee.pdf](#)[When to Report Transactions on the OGE 278 and Part 7 - November 2020.docx](#)

Hi there,

As you are undoubtedly – and perhaps even painfully -- aware, you are in a position (either acting or permanently) that requires you to file the public financial disclosure report (also known as the 278). This year, we will be assigning your incumbent reports to you *in late February*, so not as early as in previous years. Your due date will be May 16 (because 5/15 is a Sunday), and the reporting period for your incumbent report will be CY 2021 only. But, hey, since I have your attention, allow me to share some important reminders about 278s:

- *Did you know?* EPA was among the first federal agencies to adopt INTEGRITY, the electronic financial disclosure filing system. We've been using it since 2015. Government-wide, there are now more than 35,000 users of this system. At EPA, we typically have more than 250

public filers at any time.

-
- *Remember about periodic transaction reporting!* You are required to report any transactions of stocks or bonds more than \$1000 within 30 days after receiving notice but not later than 45 days after the trade itself. Do so by filing a 278T in INTEGRITY. If you are late, then you are subject to an automatic late filing fee of \$200 for missing the deadline. Attached is our reminder about late filing fees as well as a chart about transaction reporting. Alas, last year, we had to fine more than half a dozen people for late transaction filings.
- *Whom should you contact with questions?* Four of us in OGC/Ethics review 278s, so here's the list of contacts for you:

OGC/Ethics	ORGANIZATIONS
Victoria Clarke	OIG, OGC, OMS, OW, Regions 3 and 4
Justina Fugh	AO, OCFO, OITA and Regions 8, 9 and 10
Shannon Griffo	OAR, OCSP, OECA and Regions 1 and 2
Ferne Mosley	OLEM, ORD and Regions 5, 6 and 7

Thanks for your attention to ethics issues, and we know you're eagerly anticipating the start of the public financial disclosure reporting season later in February!

Cheers,
Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Timely Filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: David Cozad *David Cozad* 8/29/19
Acting Designated Agency Ethics Official

TO: All EPA Public Financial Disclosure Report Filers

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app., to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position (either permanently or for more than 60 days on detail), you are required by this statute to file the public financial disclosure report. As executive branch employees, we are all bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations.

This memorandum formally reminds you that you are required by law to timely and accurately file your Public Financial Disclosure Reports (OGE 278e)¹ and Periodic Transaction Reports (OGE 278-Ts).² Failure to file timely will result in a **\$200 late filing fee** unless you formally request and receive a waiver of the late fee from the Designated Agency Ethics Official (DAEO) or Alternate Designated Agency Ethics Official (ADAEO).³ Unpaid late fees are subject to the Agency's⁴ and the government's debt collection procedures.

In addition to filing timely, you must also file a complete and accurate report. Should OGC/Ethics contact you for any additional required information, you will have no more than **30 days** to update your report. For guidance on how to file an accurate report, please refer to the Public Financial Disclosure Guide or contact OGC/Ethics at ethics@epa.gov.

¹ See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

² Pub. L. 112-105 § 11 (STOCK Act).

³ See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

⁴ See Resource Management Directive System 2540-03-P2 dated 07/12/2016.

Please refer to this chart for your filing obligations:

OGE 278e - New Entrant reports	Within 30 days of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	No later than May 15
OGE 278e – Termination reports	No later than 30 days after leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports ⁵	The earlier of 30 days after learning of a transaction or 45 days of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to ethics@epa.gov **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. See 5 C.F.R. § 2634.704. Submit your request in writing to ethics@epa.gov, to the attention of the DAEO and ADAEO, describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

You are required by law to comply with these financial reporting obligations. Your colleagues in OGC/Ethics are available to provide assistance, but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.⁶

As public servants, we know that you take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact ethics@epa.gov.

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278T*

cc: Justina Fugh, Alternate Designated Agency Ethics Official

⁵ See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278T*.

⁶ In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

When to Report Transactions

FILING DEADLINE : 30 days from notification or 45 days from transaction *whichever is earlier*

A \$200 late filing fee penalty is assessed for each late periodic reporting period¹

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Investment assets held by you, your spouse, or jointly held		
• Stocks or stock options	Yes	Yes
• Corporate or municipal bonds (exclude U.S. Treasury securities)	Yes	Yes
• Commodity futures	Yes	Yes
• Other investment securities	Yes	Yes
• Assets listed above in your individual, joint, or spousal brokerage accounts managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Stocks	Yes	Yes
• Corporate or municipal bonds (exclude U.S. Treasury securities)	Yes	Yes
• commodity futures	Yes	Yes
• other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> or UGMA brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes ²
• Mutual funds, exchange traded funds, 529 plans, index funds, and/or other "excepted investment funds" ³	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals) or certificates of deposit	No	No
• Money market accounts and mutual funds	No	No
• US Treasury securities (e.g., T bills, Treasury bonds, savings bonds)	No	No
• Federal government retirement accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust ⁴	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

Last updated November 2020

¹ This late fee is automatically imposed by law and is non-negotiable. You may request a waiver of any late filing fee from the Designated Agency Ethics Official or the Alternate DAEO if there are extraordinary circumstances. A fee waiver is at the sole discretion of the DAEO/ADAEO and is not subject to appeal. A filer who has unpaid late fees will be referred to the appropriate federal office or agency for debt collection procedures.

² Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

³ To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact ethics@epa.gov.

⁴ OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email ethics@epa.gov.

for?

Repeating my questions:

1. Do I need to update/amend my past submittals? If so, how?
2. Should I reflect this (b) (6)

do I need to file a 278T?

Thanks very much as always for the help.

Thanks,

Byron

Byron Bunker

Director Compliance Division

Office of Transportation and Air Quality

Environmental Protection Agency

2000 Traverwood Drive

Ann Arbor, MI 48105

Bunker.Byron@epa.gov

Phone: (734) 214-4155

Mobile: (734) 353-9623

From: [Bunker, Byron](#)
To: [Ross, Margaret](#); [Fugh, Justina](#)
Subject: RE: Byron Bunker - OGE 278 Form Help
Date: Tuesday, May 8, 2018 8:50:39 PM

Thanks guys.

I really appreciate the quick response from the ethics team. You guys are always very responsive and helpful. My report is now filed. Please let me know if you see any issues.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Ross, Margaret
Sent: Tuesday, May 08, 2018 8:12 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: Byron Bunker - OGE 278 Form Help
I've already responded to him. He's sorted.

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

From: Fugh, Justina
Sent: Tuesday, May 8, 2018 7:50 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Ross, Margaret <Ross.Margaret@epa.gov>
Subject: RE: Byron Bunker - OGE 278 Form Help

Hi there,

Sorry for the delay in getting back to you. I was in California last week, and my EPA laptop stubbornly refused to give me access to the ethics@epa.gov mailbox. Thanks for fretting over how to report the information on your report. Let me see if I can help you.

Going forward, if you are not currently receiving the payments, then this is how you will report the (b) (6)

Description	EIF	Value	Income Type	Income Amount
(b) (6), (b) (3) (A)				

If you received monthly payments in CY 2017, then you will report this:

Description	EIF	Value	Income Type	Income Amount
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(b) (6)

In summary then, my previous years submittals showed.

[illegible]

[REDACTED]. Is that activity something I will need to file a 278T form for?

Repeating my questions:

- 1) Do I need to update/amend my past submittals? If so, how?
2) Should I reflect this (b) (6)

do I need to file a 278T?

Thanks very much as always for the help.

Thanks,

Byron

Byron Bunker

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Bunker.Byron@epa.gov

Phone: (734) 214-4155

Mobile: (734) 353-9623

From: [ethics](#)
To: [Bunker, Byron](#); [ethics](#)
Subject: RE: Byron Bunker - OGE 278 Form Help
Date: Tuesday, May 8, 2018 8:19:00 AM

Hi Byron,

Thanks for the detailed email! In regard to your questions:

1. Do I need to update/amend my past submittals? If so, how?

Once a report is certified, it cannot be changed, so you can't go back and change reports from previous years. We can, however, make it correct for this year, and add an end note to the item to explain the change.

2. Should I reflect this (b) (6)

Here's how you should report the entry:

(b) (6), (b) (3) (A)

3. (b) (6) do I need to file a 278T?

Cash balance plans are still defined benefit plans, they're just a special type of defined benefit plan. Like a regular defined benefit plan ["changes in the portfolio do not affect the final benefits to be received by the participant upon retirement or termination, the company solely bears all ownership of profits and losses in the portfolio."](#) That means that you don't need to report underlying assets, as you would with an IRA account or 401k plan in which you choose your own investments. The company manages the plan, not you. No transaction report required for (b) (6)

When you use the money to buy a new asset(s), you will need to report the transaction(s). If you buy an individual company's stock or bonds with the money, (Starbucks, Microsoft, IBM) then complete the 278t. If you buy only mutual funds with the money, then you don't need a transaction report, but it may be easier to do a 278t at the time of purchase, and then just upload the data in your next annual report. Not required, but many find it to be more convenient than waiting until the following year to report. All purchases will need to show up in the transactions section of the annual report next year.

Hope this answers your questions. Please feel free to give me a call if you have any questions.

Best,

Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

From: Bunker, Byron

Sent: Saturday, May 5, 2018 12:25 PM

To: ethics <ethics@epa.gov>

Subject: Byron Bunker - OGE 278 Form Help

I have discovered an error in my previous years OGE forms and would like to know if/how I should correct those submittals as well as how to properly reflect the affected item.

In previous years, I reported (b) (6)

(b) (6)

[Redacted text block]

In summary then, my previous years submittals showed.

(b) (6)

[Redacted text block]

Is that activity something I will need to file a 278T form for?

Repeating my questions:

1. Do I need to update/amend my past submittals? If so, how?
2. Should I reflect this (b) (6) [Redacted] do I need to file a 278T?

Thanks very much as always for the help.

Thanks,
Byron

Byron Bunker
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Bunker.Byron@epa.gov

Phone: (734) 214-4155

Mobile: (734) 353-9623

From: [Ross, Margaret](#)
To: [Bunker, Byron](#)
Subject: RE: Byron Bunker - OGE 278 (b) (6)
Date: Wednesday, October 18, 2017 12:25:00 PM

It does! Thank you! I'll go in and certify.

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

From: Bunker, Byron

Sent: Wednesday, October 18, 2017 12:18 PM

To: Ross, Margaret <Ross.Margaret@epa.gov>

Subject: Byron Bunker - OGE 278 (b) (6)

Hi Margaret,

Thank you for your voicemail regarding (b) (6) on my ethics submission. (b) (6)

(b) (6)
(b) (6)
(b) (6)
(b) (6)
(b) (6)
(b) (6)

Please let me know if this clarifies the line or if I need to provide additional information.

Thanks for your help.

Byron

Byron Bunker

Director Compliance Division

Office of Transportation and Air Quality

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Bunker.Byron@epa.gov

Phone: (734) 214-4155

Mobile: (734) 353-9623

From: [Griffo, Shannon](#)
To: [Bunker, Byron](#); [Fugh, Justina](#)
Subject: RE: Ethics Question - Oil and Gas Lease
Date: Friday, August 6, 2021 12:54:00 PM

I'll start drafting one and then send Justina whatever I can complete before the end of the day.

Thanks!

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

Griffo.Shannon@epa.gov

From: Bunker, Byron <bunker.byron@epa.gov>

Sent: Friday, August 06, 2021 11:45 AM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>

Subject: RE: Ethics Question - Oil and Gas Lease

Hi Justina and Shannon,

In the ideal, it would be awesome if Shannon had time to pick this up today. I can definitely make time to talk with her or answer any questions by e-mail if that is helpful.

(b) (5)

. As mentioned in my note, we had been managing this by recusing me/excluding me from any involvement in (b) (6), (b) (5)

Thanks,

Byron

Byron Bunker (pronouns – he/him/his)

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From: Fugh, Justina <Fugh.Justina@epa.gov>

Sent: Friday, August 06, 2021 11:31 AM

To: Bunker, Byron <bunker.byron@epa.gov>

Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>

Subject: RE: Ethics Question - Oil and Gas Lease

Hi Byron,

In ethics terms, you have a “covered relationship” with (b) (6) under the loss of impartiality rules at 5 CFR 2635.502(b)(1)(i). You cannot participate in any specific party matter that will have a direct and

predictable financial affect upon your interest, by which we mean the *company*, not your family's overall worth. You have appropriately sought an impartiality determination from us. I'm asking Shannon Griffo to respond as she is the person assigned to the OAR financial disclosure reports. She's working today but off all of next week. What's your timing?

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bunker, Byron <bunker.byron@epa.gov>

Sent: Friday, August 6, 2021 11:08 AM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Cc: Fort, Daniel <Fort.Daniel@epa.gov>

Subject: Ethics Question - Oil and Gas Lease

Importance: High

Hi Justina,

Back in 2013 you helped me with a series of ethics questions surrounding (b) (6)

[REDACTED]. I have copied that note below for your background.

One of the issues discussed in the note was (b) (6)

[REDACTED]. At the time of my note in 2013, you noted that since we don't regulate oil production in my work in OTAQ it probably wasn't necessary for me to issue a written recusal, but that I should stay away from the company if any work from them did arise.

In 2017, the (b) (6)

[REDACTED]

Given your advice from 2013, I made my team aware of the potential appearance of impartiality and asked that (b) (6) and review be handled without my involvement. The decision authority for small refinery exemption petitions is delegated to the office director level and not lower (I am a division director). The team leader for our petition process kept me out of the review process for the company's petition, and briefed our office director on it separately without my involvement. (b) (6), (b) (5)

[REDACTED]

(b) (5), (b) (6)

[REDACTED]

(b) (5), (b) (6)

[REDACTED]. Hence, this note to you today.

As you had suggested, I have reviewed the ethics tips at

<http://intranet.epa.gov/ogc/ethics/oilgasleases.htm>. I think it would be reasonable to conclude that this action will not have a direct and predictable effect on our family's financial interests. (b) (6)

[REDACTED] Such an outcome is not likely.

Nevertheless, it is possible that a reasonable person might conclude that I might be less than impartial regarding a matter involving (b) (6)

[REDACTED] Hence, my reaching out to you to help resolve the issue.

Please let me know if this is the correct way to raise this issue, and of course, if you have any questions or need additional information from me.

Thanks,

Byron

Byron Bunker (pronouns – he/him/his)
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Fugh, Justina <Fugh.Justina@epa.gov>

Sent: Wednesday, October 30, 2013 9:52 AM

To: Bunker, Byron <bunker.byron@epa.gov>

Cc: Fort, Daniel <Fort.Daniel@epa.gov>

Subject: answers to your questions (and these are tricky)

Hi there,

Thanks for the note and the background, all of which was necessary and helpful. See answers below:

1. You do not have to file a periodic transaction report (the 278T) for your wife's new assets. Instead, you will report them on Schedule A of your next 278 filing, which will be due 5/15/14. I will print out a copy of this note to add to your file so that, when we review your form next year, we are reminded how she acquired the assets.

2. You WILL have to report her acquisition of the farm on Schedule B of your next incumbent filing.
3. For your next incumbent filing, you will reflect the cash by reporting on what you've done with it (e.g., put it into a cash account, invested it in something). You will need to list the (b) (6) and report the income she receives from that. You will also need to report the farm clearly and with specific detail. Your listing in Block A must include the type of interest in the farm (e.g., limited partner, general partner, sole owner, corporate shareholder), the name under which the farm does business, the business of the farm (e.g., corn, wheat, or livestock), and the city/state of the farm itself. In Block B, report her share of the aggregate market value of the assets listed in Block A (if she's a limited partner or investor, she has to list the value of all shares held). If she's the sole owner or general partner, she will need to aggregate the value of the land, crops (standing and in storage), livestock, farm equipment, buildings, etc. In Block C, report the type and amount of income from the farm itself.
4. Report the mineral rights on a separate line by listing the name of the company with whom the farm does that business and including the income received. Please review our quick ethics tip on this type of ownership interest: <http://intranet.epa.gov/ogc/ethics/oilgasleases.htm>
5. You must disqualify yourself from any official duty that deals with the company that's drilling on the family farm. Seems unlikely to us that your work will intersect with oil production, so we see no need for you to issue any written recusal. Just remember to stay away from that company if something does arise.

Very good questions! Thanks!

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bunker, Byron
Sent: Wednesday, October 30, 2013 8:33 AM
To: Fugh, Justina
Subject: RE: 278 FORM RECEIVED -- thank you!

Hi Justina,

(b) (6)
(b) (6). You and I previously discussed this (b) (6) and decided that I did not need to reflect its assets in my 278 Form since it was speculative whether or not the content of the (b) (6) would ever pass to my wife. In short, it is no longer speculative. She now owns some of the assets. The assets that have come to her now include (b) (6)

Sorry for all of the background. Finally to my question. Do I need to update my 278 Form immediately as if I had just bought or sold stock, or can I wait to update the form until the next annual report is due next year?

Now that I think about it, I probably should ask you about more general conflicts of interest as well.

(b) (6)
(b) (6). In my job, I oversee

implementation of our regulatory programs related to fuel quality standards from oil refining (not oil production but gasoline quality standards) and our regulatory programs related to the Renewable Fuel Standards. Since those programs impact the cost of fuel production and at some level the relative demand for commodities like oil and grains some could argue that the programs have a small secondary impact on the price of oil and grains. Obviously my implementation actions (registering biofuel production facilities and making sure gasoline refineries meet their fuel sulfur standards) is pretty far removed from a particular matter related to oil or (b) (6) but I thought it better to ask you. Do I need to disclose the assets my wife is now holding in any manner beyond the 278 form due to concerns regarding an appearance of a conflict of interest?

As always, I really appreciate your help in these matters.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Justina Fugh [<mailto:Fugh.Justina@epamail.epa.gov>]
Sent: Wednesday, May 15, 2013 9:24 AM
To: Bunker, Byron
Subject: 278 FORM RECEIVED -- thank you!

Dear Byron,

I am writing to confirm that OGC-Ethics received your SF-278 that you recently submitted. We will review it in accordance with the applicable standards and, if we have any questions, will notify you directly. If you have any questions, please feel free to contact any of us in OGC/Ethics:

Justina Fugh at (202) 564-1786
Daniel Fort at (202) 564-2200

Regards, Justina Fugh
Senior Counsel for Ethics

From: [Griffo, Shannon](#)
To: [Bunker, Byron](#)
Subject: RE: Ethics Question - Oil and Gas Lease
Date: Friday, August 6, 2021 2:45:00 PM

This is extremely helpful!! Thanks for taking the time to do this Byron. It's helping fill in the gaps and provide me with the additional factual information I was missing. I'll keep plugging along and send it to Justina by COB. She can follow-up with any other questions and she will likely be the one signing it.

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Bunker, Byron <bunker.byron@epa.gov>
Sent: Friday, August 06, 2021 2:19 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Ethics Question - Oil and Gas Lease

Hi Shannon,

I fully understand if with this late request you don't have time to pick it up today, but I thought I would share some additional information that may be helpful in the event you do have time.

I hope this is helpful and not too presumptive.

Thanks,

Byron

I am assuming that your evaluation will be first under 5 CFR § 2635.502 (c) and then if you find a potential appearance issue you would move to (d). Given that, I have added just below any other information that I could think of relevant to those two sections.

(c) Determination by agency designee. Where he has information concerning a potential appearance problem arising from the financial interest of a member of the employee's household in a particular matter involving specific parties, or from the role in such matter of a person with whom the employee has a covered relationship, the agency designee may make an independent determination as to whether a reasonable person with knowledge of the relevant facts would be likely to question the employee's impartiality in the matter. Ordinarily, the agency designee's determination will be initiated by information provided by the employee pursuant to paragraph (a) of this section. However, at any time, including after the employee has disqualified himself from participation in a matter pursuant to paragraph (e) of this section, the agency designee may make this determination on his own initiative or when requested by the employee's supervisor or any other person responsible for the employee's assignment.

Regarding the question of whether a reasonable person with knowledge of the relevant facts would be likely to question my impartiality in this particular matter, I would note that the outcome of the particular matter (b) (6), (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(d) Authorization by agency designee. Where an employee's participation in a particular matter involving specific parties would not violate 18 U.S.C. 208(a), but would raise a question in the mind of a reasonable person about his impartiality, the agency designee may authorize the employee to participate in the matter based on a determination, made in light of all relevant circumstances, that the interest of the Government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations. Factors which may be taken into consideration include:

(1) The nature of the relationship involved;

(b) (6), (b) (5)

(2) The effect that resolution of the matter would have upon the financial interests of the person involved in the relationship;

As described in the section above on (c), (b) (6), (b) (5)

(3) The nature and importance of the employee's role in the matter, including the extent to which the employee is called upon to exercise discretion in the matter;

(b) (5), (b) (6)

All of that said, me and my team are the experts in the general area of implementation of the fuels programs and in particular on small refinery exemptions. I have an important role in the review and editing of both briefing materials and memos documenting the basis for the Agency's decisions (except for those specific to (b) (6)).

(4) The sensitivity of the matter;

The general issue of small refinery hardships is highly sensitive. (b) (6), (b) (5)

(5) The difficulty of reassigning the matter to another employee; and

While it would be possible to remove me from the review/edit chain on materials, it would not be practical to replace me in that role. We are short staff in this area and I do play a significant role in making sure materials are timely prepared and appropriate for the level the briefing is intended (officed director, AA, AO). Obviously no one is irreplaceable, but because we would do it by removing and not replacing me, we would significantly impact our ability to delivery on our obligations in a timely manner.

(6) Adjustments that may be made in the employee's duties that would reduce or eliminate the likelihood that a reasonable person would question the employee's impartiality.

(b) (5), (b) (6)

(b) (6), (b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Byron Bunker (pronouns – he/him/his)
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Bunker, Byron
Sent: Friday, August 06, 2021 11:45 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Ethics Question - Oil and Gas Lease

Hi Justina and Shannon,
In the ideal, it would be awesome if Shannon had time to pick this up today. I can definitely make time to talk with her or answer any questions by e-mail if that is helpful.

(b) (5)

[Redacted]

[Redacted] As mentioned in my note, we had been managing this by recusing me/excluding me from any involvement in (b) (6), (b) (5)

[Redacted]

Thanks,
Byron

Byron Bunker (pronouns – he/him/his)
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Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Friday, August 06, 2021 11:31 AM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Ethics Question - Oil and Gas Lease

Hi Byron,

In ethics terms, you have a “covered relationship” with (b) (6) under the loss of impartiality rules at 5 CFR 2635.502(b)(1)(i). You cannot participate in any specific party matter that will have a direct and predictable financial affect upon your interest, by which we mean the *company*, not your family’s overall worth. You have appropriately sought an impartiality determination from us. I’m asking Shannon Griffo to respond as she is the person assigned to the OAR financial disclosure reports. She’s working today but off all of next week. What’s your timing?

Justina

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From: Bunker, Byron <bunker.byron@epa.gov>
Sent: Friday, August 6, 2021 11:08 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Fort, Daniel <Fort.Daniel@epa.gov>
Subject: Ethics Question - Oil and Gas Lease

Importance: High

Hi Justina,

Back in 2013 you helped me with a series of ethics questions surrounding (b) (6) have copied that note below for your background.

One of the issues discussed in the note was (b) (6) At the time of my note in 2013, you noted that since we don’t regulate oil production in my work in OTAQ it probably wasn’t necessary for me to issue a written recusal, but that I should stay away from the company if any work from them did arise.

In 2017, (b) (6)

Given your advice from 2013, I made my team aware of the potential appearance of impartiality and asked that (b) (6) and review be handled without my involvement. The decision authority for small refinery exemption petitions is delegated to the office director level and not lower (I am a division director). The team leader for our petition process kept me out of the review process for the company’s petition, and briefed our office director on it separately without my involvement. (b) (6), (b) (5)

Cc: Fort, Daniel <Fort.Daniel@epa.gov>

Subject: answers to your questions (and these are tricky)

Hi there,

Thanks for the note and the background, all of which was necessary and helpful. See answers below:

1. You do not have to file a periodic transaction report (the 278T) for your wife's new assets. Instead, you will report them on Schedule A of your next 278 filing, which will be due 5/15/14. I will print out a copy of this note to add to your file so that, when we review your form next year, we are reminded how she acquired the assets.
2. You WILL have to report her acquisition of the farm on Schedule B of your next incumbent filing.
3. For your next incumbent filing, you will reflect the cash by reporting on what you've done with it (e.g., put it into a cash account, invested it in something). You will need to list the (b) (6) and report the income she receives from that. You will also need to report the farm clearly and with specific detail. Your listing in Block A must include the type of interest in the farm (e.g., limited partner, general partner, sole owner, corporate shareholder), the name under which the farm does business, the business of the farm (e.g., corn, wheat, or livestock), and the city/state of the farm itself. In Block B, report her share of the aggregate market value of the assets listed in Block A (if she's a limited partner or investor, she has to list the value of all shares held). If she's the sole owner or general partner, she will need to aggregate the value of the land, crops (standing and in storage), livestock, farm equipment, buildings, etc. In Block C, report the type and amount of income from the farm itself.
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5. You must disqualify yourself from any official duty that deals with the company that's drilling on the family farm. Seems unlikely to us that your work will intersect with oil production, so we see no need for you to issue any written recusal. Just remember to stay away from that company if something does arise.

Very good questions! Thanks!

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bunker, Byron

Sent: Wednesday, October 30, 2013 8:33 AM

To: Fugh, Justina

Subject: RE: 278 FORM RECEIVED -- thank you!

Hi Justina,

(b) (6)

(b) (6). You and I previously discussed this (b) (6) and decided that I did not need to reflect its assets in my 278 Form since it was speculative whether or not the content of the (b) (6) would ever pass to my wife. In short, it is no longer speculative. She now owns some of the assets.

The assets that have come to her now include (b) (6)

(b) (6)

(b) (6)

(b) (6)

Sorry for all of the background. Finally to my question. Do I need to update my 278 Form immediately as if I had just bought or sold stock, or can I wait to update the form until the next annual report is due next year?

Now that I think about it, I probably should ask you about more general conflicts of interest as well.

(b) (6)

. In my job, I oversee implementation of our regulatory programs related to fuel quality standards from oil refining (not oil production but gasoline quality standards) and our regulatory programs related to the Renewable Fuel Standards. Since those programs impact the cost of fuel production and at some level the relative demand for commodities like oil and grains some could argue that the programs have a small secondary impact on the price of oil and grains. Obviously my implementation actions (registering biofuel production facilities and making sure gasoline refineries meet their fuel sulfur standards) is pretty far removed from a particular matter related to oil or (b) (6) but I thought it better to ask you. Do I need to disclose the assets my wife is now holding in any manner beyond the 278 form due to concerns regarding an appearance of a conflict of interest?

As always, I really appreciate your help in these matters.

Thanks,

Byron

Byron Bunker
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Phone: (734) 214-4155
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From: Justina Fugh [<mailto:Fugh.Justina@epamail.epa.gov>]

Sent: Wednesday, May 15, 2013 9:24 AM

To: Bunker, Byron

Subject: 278 FORM RECEIVED -- thank you!

Dear Byron,

I am writing to confirm that OGC-Ethics received your SF-278 that you recently submitted. We will review it in accordance with the applicable standards and, if we have any questions, will notify you directly. If you have any questions, please feel free to contact any of us in OGC/Ethics:

Justina Fugh at (202) 564-1786
Daniel Fort at (202) 564-2200

Regards, Justina Fugh
Senior Counsel for Ethics

From: [Griffo, Shannon](#)
To: [Fugh, Justina](#)
Subject: FW: Ethics Question - Oil and Gas Lease
Date: Friday, August 6, 2021 4:10:00 PM
Attachments: [Byron Bunker draft impartiality determination 8 6 21.docx](#)

It's been one of those days... but I did my best. I've got to sign off now because (b) (6), but based on the information Byron provided below, I drafted an impartiality determination for you to review. I feel like it's not as coherent as I would have liked given the time crunch, but hopefully it's a good enough first draft.

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

Griffo.Shannon@epa.gov

From: Bunker, Byron <bunker.byron@epa.gov>

Sent: Friday, August 06, 2021 2:19 PM

To: Griffo, Shannon <Griffo.Shannon@epa.gov>

Subject: RE: Ethics Question - Oil and Gas Lease

Hi Shannon,

I fully understand if with this late request you don't have time to pick it up today, but I thought I would share some additional information that may be helpful in the event you do have time.

I hope this is helpful and not too presumptive.

Thanks,

Byron

I am assuming that your evaluation will be first under 5 CFR § 2635.502 (c) and then if you find a potential appearance issue you would move to (d). Given that, I have added just below any other information that I could think of relevant to those two sections.

(c) Determination by agency designee. Where he has information concerning a potential appearance problem arising from the financial interest of a member of the employee's household in a particular matter involving specific parties, or from the role in such matter of a person with whom the employee has a covered relationship, the agency designee may make an independent determination as to whether a reasonable person with knowledge of the relevant facts would be likely to question the employee's impartiality in the matter. Ordinarily, the agency designee's determination will be initiated by information provided by the employee pursuant to paragraph (a) of this section.

However, at any time, including after the employee has disqualified himself from participation in a matter pursuant to paragraph (e) of this section, the agency designee may make this determination on his own initiative or when requested by the employee's supervisor or any other person responsible for the employee's assignment.

Regarding the question of whether a reasonable person with knowledge of the relevant facts would be likely to question my impartiality in this particular matter, I would note that the outcome of the particular matter (b) (6), (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (6), (b) (5)

(d) Authorization by agency designee. Where an employee's participation in a particular matter involving specific parties would not violate 18 U.S.C. 208(a), but would raise a question in the mind of a reasonable person about his impartiality, the agency designee may authorize the employee to participate in the matter based on a determination, made in light of all relevant circumstances, that the interest of the Government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations. Factors which may be taken into consideration include:

(1) The nature of the relationship involved;

(b) (6), (b) (5)

(2) The effect that resolution of the matter would have upon the financial interests of the person involved in the relationship;

As described in the section above on (c), I (b) (6), (b) (5)

(3) The nature and importance of the employee's role in the matter, including the extent to which the employee is called upon to exercise discretion in the matter;

(b) (6), (b) (5)

All of that said, me and my team are the experts in the general area of implementation of the fuels programs and in particular on small refinery exemptions. I have an important role in the review and editing of both briefing materials and memos documenting the basis for the Agency's decisions (except for those specific to this (b) (6)).

(4) The sensitivity of the matter;

The general issue of small refinery hardships is highly sensitive. (b) (6), (b) (5)

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(b) (6), (b) (5)

(b) (6), (b) (5)

Byron Bunker (pronouns – he/him/his)
Director Compliance Division
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Environmental Protection Agency
2000 Traverwood Drive
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Bunker.Byron@epa.gov
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From: Bunker, Byron
Sent: Friday, August 06, 2021 11:45 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Ethics Question - Oil and Gas Lease

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(b) (5)

. As mentioned in my note, we had been managing this by recusing me/excluding me from any involvement in (b) (6), (b) (5)

Thanks,

Byron

Byron Bunker (pronouns – he/him/his)
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To: Bunker, Byron <bunker.byron@epa.gov>
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Subject: RE: Ethics Question - Oil and Gas Lease

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From: Bunker, Byron <bunker.byron@epa.gov>
Sent: Friday, August 6, 2021 11:08 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Fort, Daniel <Fort.Daniel@epa.gov>
Subject: Ethics Question - Oil and Gas Lease

Importance: High

Hi Justina,

Back in 2013 you helped me with a series of ethics questions surrounding (b) (6). I have copied that note below for your background.

One of the issues discussed in the note was (b) (6). At the time of my note in 2013, you noted that since we don't regulate oil production in my work in OTAQ it probably wasn't necessary for me to issue a written recusal, but that I should stay away from the company if any work from them did arise.

In 2017, (b) (6)

Given your advice from 2013, I made my team aware of the potential appearance of impartiality and asked that (b) (6) and review be handled without my involvement. The decision authority for small refinery exemption petitions is delegated to the office director level and not lower (I am a division director). The team leader for our petition process kept me out of the review process for the company's petition, and briefed our office director on it separately without my involvement. (b) (6), (b) (5)

(b) (6), (b) (5)

. Hence, this note to you today.

As you had suggested, I have reviewed the ethics tips at <http://intranet.epa.gov/ogc/ethics/oilgasleases.htm>. I think it would be reasonable to conclude that this action will not have a direct and predictable effect on our family's financial interests. (b) (6)

. Such an outcome is not likely.

Nevertheless, it is possible that a reasonable person might conclude that I might be less than impartial regarding a matter involving (b) (6)

Hence, my reaching out to you to help resolve the issue.

Please let me know if this is the correct way to raise this issue, and of course, if you have any questions or need additional information from me.

Thanks,

Byron

Byron Bunker (pronouns – he/him/his)
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Fugh, Justina <Fugh.Justina@epa.gov>

Sent: Wednesday, October 30, 2013 9:52 AM

To: Bunker, Byron <bunker.byron@epa.gov>

Cc: Fort, Daniel <Fort.Daniel@epa.gov>

Subject: answers to your questions (and these are tricky)

Hi there,

Thanks for the note and the background, all of which was necessary and helpful. See answers below:

1. You do not have to file a periodic transaction report (the 278T) for your wife's new assets. Instead, you will report them on Schedule A of your next 278 filing, which will be due 5/15/14. I will print out a copy of this note to add to your file so that, when we review your form next year, we are reminded how she acquired the assets.
2. You WILL have to report her acquisition of the farm on Schedule B of your next incumbent filing.
3. For your next incumbent filing, you will reflect the cash by reporting on what you've done with it (e.g., put it into a cash account, invested it in something). You will need to list the (b) (6) and report the income she receives from that. You will also need to report the farm clearly and with specific detail. Your listing in Block A must include the type of interest in the farm (e.g., limited partner, general partner, sole owner, corporate shareholder), the name under which the farm does business, the business of the farm (e.g., corn, wheat, or livestock), and the city/state of the farm itself. In Block B, report her share of the aggregate market value of the assets listed in Block A (if she's a limited partner or investor, she has to list the value of all shares held). If she's the sole owner or general partner, she will need to aggregate the value of the land, crops (standing and in storage), livestock, farm equipment, buildings, etc. In Block C, report the type and amount of income from the farm itself.
4. Report the mineral rights on a separate line by listing the name of the company with whom the farm does that business and including the income received. Please review our quick ethics tip on this type of ownership interest: <http://intranet.epa.gov/ogc/ethics/oilgasleases.htm>
5. You must disqualify yourself from any official duty that deals with the company that's drilling on the family farm. Seems unlikely to us that your work will intersect with oil production, so we see no need for you to issue any written recusal. Just remember to stay away from that company if something does arise.

Very good questions! Thanks!

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bunker, Byron

Sent: Wednesday, October 30, 2013 8:33 AM

To: Fugh, Justina

Subject: RE: 278 FORM RECEIVED -- thank you!

Hi Justina,

(b) (6)
(b) (6). You and I previously discussed this (b) (6) and decided that I did not need to reflect its assets in my 278 Form since it was speculative whether or not the content of the (b) (6) would ever pass to my wife. In short, it is no longer speculative. She now owns some of the assets.

The assets that have come to her now include (b) (6)
(b) (6)

(b) (6)

Sorry for all of the background. Finally to my question. Do I need to update my 278 Form immediately as if I had just bought or sold stock, or can I wait to update the form until the next annual report is due next year?
Now that I think about it, I probably should ask you about more general conflicts of interest as well.

(b) (6)

. In my job, I oversee implementation of our regulatory programs related to fuel quality standards from oil refining (not oil production but gasoline quality standards) and our regulatory programs related to the Renewable Fuel Standards. Since those programs impact the cost of fuel production and at some level the relative demand for commodities like oil and grains some could argue that the programs have a small secondary impact on the price of oil and grains. Obviously my implementation actions (registering biofuel production facilities and making sure gasoline refineries meet their fuel sulfur standards) is pretty far removed from a particular matter related to oil or (b) (6), but I thought it better to ask you. Do I need to disclose the assets my wife is now holding in any manner beyond the 278 form due to concerns regarding an appearance of a conflict of interest?

As always, I really appreciate your help in these matters.

Thanks,

Byron

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Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Justina Fugh [<mailto:Fugh.Justina@epamail.epa.gov>]
Sent: Wednesday, May 15, 2013 9:24 AM
To: Bunker, Byron
Subject: 278 FORM RECEIVED -- thank you!

Dear Byron,

I am writing to confirm that OGC-Ethics received your SF-278 that you recently submitted. We will review it in accordance with the applicable standards and, if we have any questions, will notify you directly. If you have any questions, please feel free to contact any of us in OGC/Ethics:

Justina Fugh at (202) 564-1786
Daniel Fort at (202) 564-2200

Regards, Justina Fugh

Senior Counsel for Ethics

From: [Griffo, Shannon](#)
To: [Bunker, Byron](#)
Subject: RE: Financial Disclosure Report Follow-up
Date: Thursday, May 26, 2022 2:27:00 PM

Looks good. I'll go ahead and hit certify.

Thanks Byron!

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Bunker, Byron <bunker.byron@epa.gov>
Sent: Thursday, May 26, 2022 1:50 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Financial Disclosure Report Follow-up

Thanks Shannon.

I have resubmitted my financial disclosure report. Thanks for all of your help.

Byron

Byron Bunker (pronouns – he/him/his)
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Thursday, May 26, 2022 1:04 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: Financial Disclosure Report Follow-up

You are correct. You would only report the income received by your spouse during the reporting period, 



Thanks,
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency
(202) 564-7061

From: Bunker, Byron <bunker.byron@epa.gov>
Sent: Thursday, May 26, 2022 10:49 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Financial Disclosure Report Follow-up

Hi Shannon,

Thanks for the follow up and sharing the examples. I should have looked at the guidance you sent before which showed those examples nicely.

I do have one additional question about these updates.

The way I currently have this filled out I am showing (b) (6)

[REDACTED]

[REDACTED] I did read the guidance this time but wasn't quite sure how to interpret it on this question. In future years then, (b) (6), correct?

Thanks,
Byron

Byron Bunker (pronouns – he/him/his)
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Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Wednesday, May 25, 2022 11:45 AM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: Financial Disclosure Report Follow-up

Yes, (b) (6)

[REDACTED] Because that's what you would put in the value category (not the total amount). If you know it, then it could look like this:

#	Description	EIF	Value	Income Type	Income Amount
---	-------------	-----	-------	-------------	---------------

(b) (6), (b) (3) (A)					

OR if (b) (6)

#	Description	EIF	Value	Income Type	Income Amount
(b) (6), (b) (3) (A)					

I'm going to go ahead and send the report back to you in INTEGRITY so you can take a closer look about how you'd like to report it. Just make sure you hit submit when you're done so it comes back to me. Thanks!

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Bunker, Byron <bunker.byron@epa.gov>
Sent: Wednesday, May 25, 2022 10:40 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Financial Disclosure Report Follow-up

Thanks Shannon.

Changing the name sounds good to me. Asking about other reportable assets causes me to realize that (b) (6)
I need to check when I get home this evening. (b) (6)
Assuming that is correct, should I add it to the report or would you want me to send the information to you? (b) (6)

Thanks,

Byron

Byron Bunker (pronouns – he/him/his)
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency

2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Wednesday, May 25, 2022 10:21 AM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: Financial Disclosure Report Follow-up

Hi Byron,

I'm looking over your Annual Report and wanted to follow-up about your (b) (6). For privacy reasons, we should remove the (b) (6)

[REDACTED]

[REDACTED] If that looks good (and no other assets), I can make that change for you and get the report certified.

Thanks!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Griffo, Shannon
Sent: Wednesday, May 4, 2022 2:08 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: Question regarding Trust - Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)

Hi Byron,

Oh these trust questions always get me! I have to look up the instructions and OGE guidance each time. So based on what you've said, it sounds like we are dealing with (b) (6). And it will need to be listed separately. Such a trust should be reported in Part 6 if your spouse (or you or dependent child) has a reportable interest in the trust or received income from the trust. You also need to report the underlying assets of an irrevocable trust if your spouse has a reportable interest. Here is where you can find [OGE's guidance on reporting irrevocable trusts](#).

But OGE says to report a trust if any of the following applies:

- (1) Income Received: You, your spouse, and your dependent children [received](#) more than \$200 in total income from the trust during the [reporting period](#).
- (2) Reportable Current Interest: You, your spouse, or a dependent child is [currently entitled](#) to receive

income from the trust or to access the principal of the trust and the [value](#) of that interest was more than \$1,000 and the end of the reporting period.

(3) Reportable Future Interest: You, your spouse, or a dependent child has a future interest in principal or income that is vested under controlling state law and the value of that interest was more than \$1,000 at the end of the reporting period.

Based on what you've said, I think it would be reported something like this:

#	Description	EIF	Value	Income Type	Income Amount
(b) (6)					

(b) (6)
For purpose of valuing an underlying asset, you can use the value of the proportionate interest that your spouse has in the underlying asset. If you are unable to ascertain the proportionate value of the underlying asset(s), you may instead provide a good faith estimate of the value of the total interest that (b) (6)

Hopefully that makes sense. Just let me know if you have any other questions!

Thanks,
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061

From: Bunker, Byron <bunker.byron@epa.gov>
Sent: Monday, May 2, 2022 5:32 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Question regarding Trust - Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)

Hi Shannon,

You previously helped me with a potential conflict of interest question that is related now to a reporting question I have for my 278 filing.

(b) (6)
(see even further down in the e-mail chain for history on that part if it is helpful).

(b) (6)

(b) (6)
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

This is all a lot of background to ask, how/where do I account for (b) (6)
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Please let me know if there is any other information that I can provide to help answer my questions.

Thanks!

Byron

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Environmental Protection Agency
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Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Friday, August 06, 2021 2:45 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: RE: Ethics Question - Oil and Gas Lease

This is extremely helpful!! Thanks for taking the time to do this Byron. It's helping fill in the gaps and provide me with the additional factual information I was missing. I'll keep plugging along and send it to Justina by COB. She can follow-up with any other questions and she will likely be the one signing it.

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Bunker, Byron <bunker.byron@epa.gov>
Sent: Friday, August 06, 2021 2:19 PM

To: Griffo, Shannon <Griffo.Shannon@epa.gov>

Subject: RE: Ethics Question - Oil and Gas Lease

Hi Shannon,

I fully understand if with this late request you don't have time to pick it up today, but I thought I would share some additional information that may be helpful in the event you do have time.

I hope this is helpful and not too presumptive.

Thanks,

Byron

I am assuming that your evaluation will be first under 5 CFR § 2635.502 (c) and then if you find a potential appearance issue you would move to (d). Given that, I have added just below any other information that I could think of relevant to those two sections.

(c) Determination by agency designee. Where he has information concerning a potential appearance problem arising from the financial interest of a member of the employee's household in a particular matter involving specific parties, or from the role in such matter of a person with whom the employee has a covered relationship, the agency designee may make an independent determination as to whether a reasonable person with knowledge of the relevant facts would be likely to question the employee's impartiality in the matter. Ordinarily, the agency designee's determination will be initiated by information provided by the employee pursuant to paragraph (a) of this section. However, at any time, including after the employee has disqualified himself from participation in a matter pursuant to paragraph (e) of this section, the agency designee may make this determination on his own initiative or when requested by the employee's supervisor or any other person responsible for the employee's assignment.

Regarding the question of whether a reasonable person with knowledge of the relevant facts would be likely to question my impartiality in this particular matter, I would note that the outcome of the particular matter

(b) (6), (b) (5)

(d) Authorization by agency designee. Where an employee's participation in a particular matter involving specific parties would not violate 18 U.S.C. 208(a), but would raise a question in the mind of a reasonable person about his impartiality, the agency designee may authorize the employee to participate in the matter based on a determination, made in light of all relevant circumstances, that the interest of the Government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations. Factors which may be taken into consideration include:

(1) The nature of the relationship involved;

(b) (6), (b) (5)

(b) (6), (b) (5)

(2) The effect that resolution of the matter would have upon the financial interests of the person involved in the relationship;

As described in the section above on (c), I (b) (6), (b) (5)

(3) The nature and importance of the employee's role in the matter, including the extent to which the employee is called upon to exercise discretion in the matter;

(b) (6), (b) (5)

All of that said, me and my team are the experts in the general area of implementation of the fuels programs and in particular on small refinery exemptions. I have an important role in the review and editing of both briefing materials and memos documenting the basis for the Agency's decisions (except for those specific to (b) (6)).

(4) The sensitivity of the matter;

The general issue of small refinery hardships is highly sensitive. (b) (6), (b) (5)

(5) The difficulty of reassigning the matter to another employee; and

While it would be possible to remove me from the review/edit chain on materials, it would not be practical to replace me in that role. We are short staff in this area and I do play a significant role in making sure materials are timely prepared and appropriate for the level the briefing is intended (officed director, AA, AO). Obviously no one is irreplaceable, but because we would do it by removing and not replacing me, we would significantly impact our ability to delivery on our obligations in a timely manner.

(6) Adjustments that may be made in the employee's duties that would reduce or eliminate the likelihood that a reasonable person would question the employee's impartiality.

(b) (6), (b) (5)

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Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Bunker, Byron
Sent: Friday, August 06, 2021 11:45 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Ethics Question - Oil and Gas Lease

Hi Justina and Shannon,

In the ideal, it would be awesome if Shannon had time to pick this up today. I can definitely make time to talk with her or answer any questions by e-mail if that is helpful.

(b) (5)

As mentioned in my note, we had been managing this by recusing me/excluding me from any involvement in (b) (6), (b) (5)

Thanks,

Byron

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Environmental Protection Agency
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From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Friday, August 06, 2021 11:31 AM

To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Ethics Question - Oil and Gas Lease

Hi Byron,

In ethics terms, you have a “covered relationship” with (b) (6) under the loss of impartiality rules at 5 CFR 2635.502(b)(1)(i). You cannot participate in any specific party matter that will have a direct and predictable financial affect upon your interest, by which we mean the *company*, not your family’s overall worth. You have appropriately sought an impartiality determination from us. I’m asking Shannon Griffo to respond as she is the person assigned to the OAR financial disclosure reports. She’s working today but off all of next week. What’s your timing?

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bunker, Byron <bunker.byron@epa.gov>
Sent: Friday, August 6, 2021 11:08 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Fort, Daniel <Fort.Daniel@epa.gov>
Subject: Ethics Question - Oil and Gas Lease
Importance: High

Hi Justina,

Back in 2013 you helped me with a series of ethics questions surrounding (b) (6). I have copied that note below for your background.

One of the issues discussed in the note was (b) (6). At the time of my note in 2013, you noted that since we don’t regulate oil production in my work in OTAQ it probably wasn’t necessary for me to issue a written recusal, but that I should stay away from the company if any work from them did arise.

In 2017, (b) (6).
(b) (6)
(b) (6)
(b) (6)
(b) (6)

Given your advice from 2013, I made my team aware of the potential appearance of impartiality and asked that (b) (6) and review be handled without my involvement. The decision authority for small refinery

exemption petitions is delegated to the office director level and not lower (I am a division director). The team leader for our petition process kept me out of the review process for the company's petition, and briefed our office director on it separately without my involvement. (b) (6), (b) (5)

[REDACTED]

[REDACTED]

Hence, this note to you today.

As you had suggested, I have reviewed the ethics tips at <http://intranet.epa.gov/ogc/ethics/oilgasleases.htm>. I think it would be reasonable to conclude that this action will not have a direct and predictable effect on our family's financial interests. (b) (6)

[REDACTED]

Such an outcome is not likely.

Nevertheless, it is possible that a reasonable person might conclude that I might be less than impartial regarding a matter involving (b) (6). Hence, my reaching out to you to help resolve the issue.

Please let me know if this is the correct way to raise this issue, and of course, if you have any questions or need additional information from me.

Thanks,

Byron

Byron Bunker (pronouns – he/him/his)
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Environmental Protection Agency
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Bunker.Byron@epa.gov
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From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, October 30, 2013 9:52 AM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Fort, Daniel <Fort.Daniel@epa.gov>
Subject: answers to your questions (and these are tricky)

Hi there,

Thanks for the note and the background, all of which was necessary and helpful. See answers below:

1. You do not have to file a periodic transaction report (the 278T) for your wife's new assets. Instead, you will report them on Schedule A of your next 278 filing, which will be due 5/15/14. I will print out a copy of this note to add to your file so that, when we review your form next year, we are reminded how she acquired the assets.
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3. For your next incumbent filing, you will reflect the cash by reporting on what you've done with it (e.g., put it into a cash account, invested it in something). You will need to list the (b) (6) and report the income she receives from that. You will also need to report the farm clearly and with specific detail. Your listing in Block A must include the type of interest in the farm (e.g., limited partner, general partner, sole owner, corporate shareholder), the name under which the farm does business, the business of the farm (e.g., corn, wheat, or livestock), and the city/state of the farm itself. In Block B, report her share of the aggregate market value of the assets listed in Block A (if she's a limited partner or investor, she has to list the value of all shares held). If she's the sole owner or general partner, she will need to aggregate the value of the land, crops (standing and in storage), livestock, farm equipment, buildings, etc. In Block C, report the type and amount of income from the farm itself.
4. Report the mineral rights on a separate line by listing the name of the company with whom the farm does that business and including the income received. Please review our quick ethics tip on this type of ownership interest: <http://intranet.epa.gov/ogc/ethics/oilgasleases.htm>
5. You must disqualify yourself from any official duty that deals with the company that's drilling on the family farm. Seems unlikely to us that your work will intersect with oil production, so we see no need for you to issue any written recusal. Just remember to stay away from that company if something does arise.

Very good questions! Thanks!

Justina

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From: Bunker, Byron
Sent: Wednesday, October 30, 2013 8:33 AM
To: Fugh, Justina
Subject: RE: 278 FORM RECEIVED -- thank you!

Hi Justina,

(b) (6)

(b) (6). You and I previously discussed this (b) (6) and decided that I did not need to reflect its assets in my 278 Form since it was speculative whether or not the content of the (b) (6) would ever pass to my wife. In short, it is no longer speculative. She now owns some of the assets.

The assets that have come to her now include (b) (6)

Sorry for all of the background. Finally to my question. Do I need to update my 278 Form immediately as if I had just bought or sold stock, or can I wait to update the form until the next annual report is due next year?

Now that I think about it, I probably should ask you about more general conflicts of interest as well. (b) (6)

(b) (6) In my job, I oversee implementation of our regulatory programs related to fuel quality standards from oil refining (not oil production but gasoline quality standards) and our regulatory programs related to the Renewable Fuel Standards. Since those programs impact the cost of fuel production and at some level the relative demand for commodities like oil and grains some could argue that the programs have a small secondary impact on the price of oil and grains. Obviously my implementation actions (registering biofuel production facilities and making sure gasoline refineries meet their fuel sulfur standards) is pretty far removed from a particular matter related to oil or (b) (6) but I thought it better to ask you. Do I need to disclose the assets my wife is now holding in any manner beyond the 278 form due to concerns regarding an appearance of a conflict of interest?

As always, I really appreciate your help in these matters.

Thanks,

Byron

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From: Justina Fugh [<mailto:Fugh.Justina@epamail.epa.gov>]
Sent: Wednesday, May 15, 2013 9:24 AM
To: Bunker, Byron
Subject: 278 FORM RECEIVED -- thank you!

Dear Byron,

I am writing to confirm that OGC-Ethics received your SF-278 that you recently submitted. We will review it in accordance with the applicable standards and, if we have any questions, will notify you directly. If you have any questions, please feel free to contact any of us in OGC/Ethics:

Justina Fugh at (202) 564-1786

Daniel Fort at (202) 564-2200

Regards, Justina Fugh
Senior Counsel for Ethics

From: [Griffo, Shannon](#)
To: [Bunker, Byron](#)
Subject: RE: Follow-up Question from OGC/Ethics on your Public Financial Disclosure Report
Date: Monday, May 17, 2021 5:21:00 PM

Thanks for the quick response Byron! I agree on the oversharing in some cases. And the only reason I mentioned deleting it in this report is because you had noted it on your last two Annual Reports. Since there's a clear record, I didn't think it was necessary to include anymore.

Thanks again,

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

Griffo.Shannon@epa.gov

From: Bunker, Byron <bunker.byron@epa.gov>
Sent: Monday, May 17, 2021 5:05 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Follow-up Question from OGC/Ethics on your Public Financial Disclosure Report
Hi Shannon,
Thanks. It is fine for me if that 2018 reference is dropped. I kept it thinking oversharing is always safe even if out of date.

Thanks,

Byron

[Byron Bunker](#)

[Director Compliance Division](#)

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[Ann Arbor, MI 48105](#)

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From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Monday, May 17, 2021 4:42 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: Follow-up Question from OGC/Ethics on your Public Financial Disclosure Report
Hi Byron,

I'm currently reviewing your Annual Report in Integrity and had one quick follow-up question. Are you okay if I (b) (6) Since this is referencing something that happened in 2018, I don't think it's necessary anymore. Just let me know when you can then I'll be able to get your report certified.

Thanks!

Shannon
Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: [Fugh, Justina](#)
To: [Bunker, Byron](#)
Cc: [Griffo, Shannon](#); [Dunham, Sarah](#); [Watkins, Erica](#); [Christian, Pamela](#)
Subject: Impartiality determination
Date: Wednesday, August 11, 2021 12:07:00 PM
Attachments: [impartiality determination August 2021.pdf](#)

Hi Byron,

Even on the eve of her well-deserved vacation, Shannon drafted an impartiality determination for my review. I tinkered with it (because, really, I can't help myself), and am now issuing it to you. As you will see, you are now authorized to participate in the RFS small refinery exemption petitions that are pending from 2019 and 2020, including any submitted by (b) (6). Going forward, you are also authorized to participate in any future small refinery exemption petitions that the company may submit. I have determined that you do not have a financial conflict of interest and that the interests of the government outweigh any concern about a loss of your impartiality.

I will keep a copy of this document in your OGC/Ethics file and am also copying your office director and the OTAQ assistant Deputy Ethics Officials for their reference.

Cheers,
Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bunker, Byron <bunker.byron@epa.gov>
Sent: Friday, August 6, 2021 11:45 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Ethics Question - Oil and Gas Lease

Hi Justina and Shannon,

In the ideal, it would be awesome if Shannon had time to pick this up today. I can definitely make time to talk with her or answer any questions by e-mail if that is helpful.

(b) (5)
(b) (5). As mentioned in my note, we had been managing this by recusing me/excluding me from any involvement in (b) (6), (b) (5)

Thanks,

Byron

Byron Bunker (pronouns – he/him/his)
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Friday, August 06, 2021 11:31 AM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Griffio, Shannon <Griffio.Shannon@epa.gov>
Subject: RE: Ethics Question - Oil and Gas Lease

Hi Byron,
In ethics terms, you have a “covered relationship” with (b) (6) under the loss of impartiality rules at 5 CFR 2635.502(b)(1)(i). You cannot participate in any specific party matter that will have a direct and predictable financial affect upon your interest, by which we mean the *company*, not your family’s overall worth. You have appropriately sought an impartiality determination from us. I’m asking Shannon Griffio to respond as she is the person assigned to the OAR financial disclosure reports. She’s working today but off all of next week. What’s your timing?
Justina

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From: Bunker, Byron <bunker.byron@epa.gov>
Sent: Friday, August 6, 2021 11:08 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Fort, Daniel <Fort.Daniel@epa.gov>
Subject: Ethics Question - Oil and Gas Lease
Importance: High

Hi Justina,

(b) (6)

I have copied that

note below for your background.

One of the issues discussed in the note was (b) (6) [REDACTED] At the time of my note in 2013, you noted that since we don't regulate oil production in my work in OTAQ it probably wasn't necessary for me to issue a written recusal, but that I should stay away from the company if any work from them did arise.

In 2017, (b) (6)

Given your advice from 2013, I made my team aware of the potential appearance of impartiality and asked that (b) (6) and review be handled without my involvement. The decision authority for small refinery exemption petitions is delegated to the office director level and not lower (I am a division director). The team leader for our petition process kept me out of the review process for the company's petition, and briefed our office director on it separately without my involvement.

(b) (6), (b) (5)

[illegible]

Hence, this note to you today.

As you had suggested, I have reviewed the ethics tips at <http://intranet.epa.gov/ogc/ethics/oilgasleases.htm>. I think it would be reasonable to conclude that this action will not have a direct and predictable effect on our family's financial interests. (b) (6)

(b) (6) Such an outcome is not likely.

Nevertheless, it is possible that a reasonable person might conclude that I might be less than impartial regarding a matter involving (b) (6). Hence, my reaching out to you to help resolve the issue.

Please let me know if this is the correct way to raise this issue, and of course, if you have any questions or need additional information from me.

Thanks,

Byron

Byron Bunker (pronouns – he/him/his)
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, October 30, 2013 9:52 AM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Fort, Daniel <Fort.Daniel@epa.gov>
Subject: answers to your questions (and these are tricky)

Hi there,

Thanks for the note and the background, all of which was necessary and helpful. See answers below:

1. You do not have to file a periodic transaction report (the 278T) for your wife's new assets. Instead, you will report them on Schedule A of your next 278 filing, which will be due 5/15/14. I will print out a copy of this note to add to your file so that, when we review your form next year, we are reminded how she acquired the assets.
2. You WILL have to report her acquisition of the farm on Schedule B of your next incumbent filing.
3. For your next incumbent filing, you will reflect the cash by reporting on what you've done with it (e.g., put it into a cash account, invested it in something). You will need to list the (b) (6) and report the income she receives from that. You will also need to report the farm clearly and with specific detail. Your listing in Block A must include the type of interest in the farm (e.g., limited partner, general partner, sole owner, corporate shareholder), the name

under which the farm does business, the business of the farm (e.g., corn, wheat, or livestock), and the city/state of the farm itself. In Block B, report her share of the aggregate market value of the assets listed in Block A (if she's a limited partner or investor, she has to list the value of all shares held). If she's the sole owner or general partner, she will need to aggregate the value of the land, crops (standing and in storage), livestock, farm equipment, buildings, etc. In Block C, report the type and amount of income from the farm itself.

4. Report the mineral rights on a separate line by listing the name of the company with whom the farm does that business and including the income received. Please review our quick ethics tip on this type of ownership interest:

<http://intranet.epa.gov/ogc/ethics/oilgasleases.htm>

5. You must disqualify yourself from any official duty that deals with the company that's drilling on the family farm. Seems unlikely to us that your work will intersect with oil production, so we see no need for you to issue any written recusal. Just remember to stay away from that company if something does arise.

Very good questions! Thanks!

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bunker, Byron
Sent: Wednesday, October 30, 2013 8:33 AM
To: Fugh, Justina
Subject: RE: 278 FORM RECEIVED -- thank you!

Hi Justina,

(b) (6)
(b) (6). You and I previously discussed this (b) (6) and decided that I did not need to reflect its assets in my 278 Form since it was speculative whether or not the content of the (b) (6) would ever pass to my wife. In short, it is no longer speculative. She now owns some of the assets.

The assets that have come to her now include (b) (6)
(b) (6)
(b) (6)
(b) (6)

Sorry for all of the background. Finally to my question. Do I need to update my 278 Form immediately as if I had just bought or sold stock, or can I wait to update the form until the next annual report is due next year?

Now that I think about it, I probably should ask you about more general conflicts of interest as well.

[REDACTED] (b) (6) [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] In my job, I oversee implementation of our regulatory programs related to fuel quality standards from oil refining (not oil production but gasoline quality standards) and our regulatory programs related to the Renewable Fuel Standards. Since those programs impact the cost of fuel production and at some level the relative demand for commodities like oil and grains some could argue that the programs have a small secondary impact on the price of oil and grains. Obviously my implementation actions (registering biofuel production facilities and making sure gasoline refineries meet their fuel sulfur standards) is pretty far removed from a particular matter related to oil or (b) (6) [REDACTED], but I thought it better to ask you. Do I need to disclose the assets my wife is now holding in any manner beyond the 278 form due to concerns regarding an appearance of a conflict of interest?

As always, I really appreciate your help in these matters.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Justina Fugh [<mailto:Fugh.Justina@epamail.epa.gov>]

Sent: Wednesday, May 15, 2013 9:24 AM

To: Bunker, Byron

Subject: 278 FORM RECEIVED -- thank you!

Dear Byron,

I am writing to confirm that OGC-Ethics received your SF-278 that you recently submitted. We will review it in accordance with the applicable standards and, if we have any questions, will notify you directly. If you have any questions, please feel free to contact any of us in OGC/Ethics:

Justina Fugh at (202) 564-1786

Daniel Fort at (202) 564-2200

Regards, Justina Fugh
Senior Counsel for Ethics

From: [Fugh, Justina](#)
To: [Bunker, Byron](#)
Cc: [Griffo, Shannon](#); [Dunham, Sarah](#); [Watkins, Erica](#); [Christian, Pamela](#)
Subject: RE: Impartiality determination
Date: Wednesday, August 11, 2021 10:22:00 PM

Hi Byron,

Thanks for the nice note, and also thanks for sending us all that great information in your question! Having all of that info allowed us to address the question more quickly. We're happy to help our friends in OTAQ!

Cheers,

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bunker, Byron <bunker.byron@epa.gov>
Sent: Wednesday, August 11, 2021 7:58 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Watkins, Erica <Watkins.Erica@epa.gov>; Christian, Pamela <Christian.Pamela@epa.gov>
Subject: RE: Impartiality determination

Hi Justina and Shannon,

I wanted to both apologize for dropping this in you inbox on Friday and to thank you so much for quickly and thoughtfully following up on my questions. The responsiveness of you and your team never ceases to impress me.

Thank you.

Byron

Byron Bunker (pronouns – he/him/his)
Director Compliance Division
Office of Transportation and Air Quality
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To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>;
Watkins, Erica <Watkins.Erica@epa.gov>; Christian, Pamela <Christian.Pamela@epa.gov>
Subject: Impartiality determination

Hi Byron,

Even on the eve of her well-deserved vacation, Shannon drafted an impartiality determination for my review. I tinkered with it (because, really, I can't help myself), and am now issuing it to you. As you will see, you are now authorized to participate in the RFS small refinery exemption petitions that are pending from 2019 and 2020, including any submitted by (b) (6). Going forward, you are also authorized to participate in any future small refinery exemption petitions that the company may submit. I have determined that you do not have a financial conflict of interest and that the interests of the government outweigh any concern about a loss of your impartiality.

I will keep a copy of this document in your OGC/Ethics file and am also copying your office director and the OTAQ assistant Deputy Ethics Officials for their reference.

Cheers,
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From: Bunker, Byron <bunker.byron@epa.gov>
Sent: Friday, August 6, 2021 11:45 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Ethics Question - Oil and Gas Lease

Hi Justina and Shannon,

In the ideal, it would be awesome if Shannon had time to pick this up today. I can definitely make time to talk with her or answer any questions by e-mail if that is helpful.

(b) (5)

As mentioned in my note, we had been managing this by recusing me/excluding me from any involvement in (b) (6), (b) (5)

Thanks,

Byron

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Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
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Sent: Friday, August 6, 2021 11:08 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Fort, Daniel <Fort.Daniel@epa.gov>
Subject: Ethics Question - Oil and Gas Lease
Importance: High

Hi Justina,

(b) (6)
[REDACTED]. I have copied that note below for your background.

One of the issues discussed in the note was (b) (6)
[REDACTED]. At the time of my note in 2013, you noted that since we don't regulate oil production in my work in OTAQ it probably wasn't necessary for me to issue a written recusal, but that I should stay away from the company if any work from them did arise.

In 2017, (b) (6)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Given your advice from 2013, I made my team aware of the potential appearance of impartiality and asked that (b) (6) and review be handled without my involvement. The decision authority for small refinery exemption petitions is delegated to the office director level and not lower (I am a division director). The team leader for our petition process kept me out of the review process for the company's petition, and briefed our office director on it separately without my involvement.

(b) (5), (b) (6)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Hence, this note to you today.

As you had suggested, I have reviewed the ethics tips at <http://intranet.epa.gov/ogc/ethics/oilgasleases.htm>. I think it would be reasonable to conclude that this action will not have a direct and predictable effect on our family's financial interests. The

(b) (6)

Such an outcome is not likely.

Nevertheless, it is possible that a reasonable person might conclude that I might be less than impartial regarding a matter involving (b) (6)

Hence, my reaching out to you to help resolve the issue.

Please let me know if this is the correct way to raise this issue, and of course, if you have any questions or need additional information from me.

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From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, October 30, 2013 9:52 AM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Fort, Daniel <Fort.Daniel@epa.gov>
Subject: answers to your questions (and these are tricky)

Hi there,

Thanks for the note and the background, all of which was necessary and helpful. See answers below:

1. You do not have to file a periodic transaction report (the 278T) for your wife's new assets. Instead, you will report them on Schedule A of your next 278 filing, which will be due 5/15/14. I will print out a copy of this note to add to your file so that, when we review your form next year, we are reminded how she acquired the assets.
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(b) (6) and report the income she receives from that. You will also need to report the farm clearly and with specific detail. Your listing in Block A must include the type of interest in the farm (e.g., limited partner, general partner, sole owner, corporate shareholder), the name under which the farm does business, the business of the farm (e.g., corn, wheat, or livestock), and the city/state of the farm itself. In Block B, report her share of the aggregate market value of the assets listed in Block A (if she's a limited partner or investor, she has to list the value of all shares held). If she's the sole owner or general partner, she will need to aggregate the value of the land, crops (standing and in storage), livestock, farm equipment, buildings, etc. In Block C, report the type and amount of income from the farm itself.

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5. You must disqualify yourself from any official duty that deals with the company that's drilling on the family farm. Seems unlikely to us that your work will intersect with oil production, so we see no need for you to issue any written recusal. Just remember to stay away from that company if something does arise.

Very good questions! Thanks!

Justina

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From: Bunker, Byron
Sent: Wednesday, October 30, 2013 8:33 AM
To: Fugh, Justina
Subject: RE: 278 FORM RECEIVED -- thank you!

Hi Justina,

(b) (6)
(b) (6). You and I previously discussed this (b) (6) and decided that I did not need to reflect its assets in my 278 Form since it was speculative whether or not the content of the (b) (6) would ever pass to my wife. In short, it is no longer speculative. She now owns some of the assets.

The assets that have come to her now include (b) (6)
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(b) (6)
(b) (6)

Sorry for all of the background. Finally to my question. Do I need to update my 278 Form immediately as if I had just bought or sold stock, or can I wait to update the form until the next annual report is due next year?

Now that I think about it, I probably should ask you about more general conflicts of interest as well.

[REDACTED] (b) (6) [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]. In my job, I oversee implementation of our regulatory programs related to fuel quality standards from oil refining (not oil production but gasoline quality standards) and our regulatory programs related to the Renewable Fuel Standards. Since those programs impact the cost of fuel production and at some level the relative demand for commodities like oil and grains some could argue that the programs have a small secondary impact on the price of oil and grains. Obviously my implementation actions (registering biofuel production facilities and making sure gasoline refineries meet their fuel sulfur standards) is pretty far removed from a particular matter related to oil or (b) (6) [REDACTED], but I thought it better to ask you. Do I need to disclose the assets my wife is now holding in any manner beyond the 278 form due to concerns regarding an appearance of a conflict of interest?

As always, I really appreciate your help in these matters.

Thanks,

Byron

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From: Justina Fugh [<mailto:Fugh.Justina@epamail.epa.gov>]
Sent: Wednesday, May 15, 2013 9:24 AM
To: Bunker, Byron
Subject: 278 FORM RECEIVED -- thank you!

Dear Byron,

I am writing to confirm that OGC-Ethics received your SF-278 that you recently submitted. We will review it in accordance with the applicable standards and, if we have any questions, will notify you directly. If

you have any questions, please feel free to contact any of us in OGC/Ethics:

Justina Fugh at (202) 564-1786

Daniel Fort at (202) 564-2200

Regards, Justina Fugh
Senior Counsel for Ethics



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

August 11, 2021

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Impartiality Determination to Participate in Renewable Fuel Standard Small Refinery Exemption Petitions Involving (b) (6)

FROM: JUSTINA FUGH
Justina Fugh FUGH
Alternate Designated Agency Ethics Official and
Director, Ethics Office

TO: Byron Bunker
Director, Compliance Division
Office of Transportation and Air Quality

As the Director of the Compliance Division for the Office of Transportation and Air Quality (OTAQ) in the Office of Air and Radiation (OAR), you seek permission to participate in the Renewable Fuel Standard (RFS) small refinery exemption petitions submitted by (b) (6)

For ethics purposes, oil and gas leases are not "routine consumer transactions" and instead present potential conflicts of interest and loss of impartiality concerns. Under 18 U.S.C. § 208, an employee who leases oil, gas, or other mineral rights is prohibited from participating personally and substantially in any particular matter that the employee knows will have a direct and predictable effect on the value of or income from the lease or the lessee's ability or willingness to honor its contractual obligations.

Additionally, federal ethics regulations permit employees to participate in matters that might otherwise raise impartiality concerns when the interest of the federal government in the employee's participation outweighs concern over the questioning of the "integrity of the agency's programs and operations." See 5 C.F.R. § 2635.502(d). The factors that we take into consideration are:

- (1) the nature of the relationship involved;
- (2) the effect that resolution of the matter will have upon the financial interest of the person affected in the relationship;
- (3) the nature and importance of the employee's role in the matter, including the extent to

which the employee is called upon to exercise discretion in the matter;

(4) the sensitivity of the matter;

(5) the difficulty of reassigning the matter to another employee; and

(6) adjustments that may be made in the employee's duties that would reduce or eliminate the likelihood that a reasonable person would question the employee's impartiality.

In reviewing your situation, I have concluded that you do not have a financial conflict of interest and that, moreover, the interest of the United States Government in your participation outweighs any concerns about your impartiality. I am therefore authorizing you to participate in any petition for a RFS small refinery exemption submitted by (b) (6)

In making this determination, I have taken the following factors into consideration:

Nature of the relationship involved – (b) (6)

You have thus far consistently recused yourself from working on any (b) (6).

Effect of the matter upon your financial interest – I determine that RFS small refinery exemption petitions submitted by (b) (6) will not have a direct and predictable effect on your imputed financial interests because there is no potential to affect the company's ability or willingness to pay its obligations under the lease. Your participation in an RFS petition submitted by (b) (6)

Nature and importance of the employee's role – You indicated that EPA (b) (6), (b) (5)

You and your team are the subject matter experts in the general area of implementation of the fuels programs and, in particular, on small refinery exemptions. Your role in the review and editing of both briefing materials and memoranda documenting the basis for the Agency's decisions is significant.

Sensitivity of the matter – Under EPA's RFS program, a small refinery may be granted a temporary exemption from its annual Renewable Volume Obligations (RVO) if it can demonstrate that compliance with the RVOs would cause the refinery to suffer disproportionate economic hardship. Therefore, the general issue of small refinery hardships is extremely sensitive.

Difficulty of reassigning the matter to another employee – While you have recused yourself from (b) (6) in the past, you seek to participate now, given the possibility of a single decision to address all pending petitions, including (b) (6). Your office is short-staffed in this area, and as Division Director, you play a vital role in ensuring that materials are timely prepared and appropriate for the political leadership. Thus, it may not be appropriate or practical at this time to reassign the matter to another employee, and your personal participation will be of importance to OTAQ's Director and this Administration.

Based on my consideration of the factors, I am granting you this authorization to participate in any RFS small refinery exemption petitions submitted by (b) (6). If you have any questions regarding this determination, or if a situation arises in which you need advice or clarification, please feel free to contact me.

cc: Sarah Dunham, Director, OTAQ
Erica Watkins, Assistant Deputy Ethics Official
Pamela Christian, Assistant Deputy Ethics Official

From: [Bunker, Byron](#)
To: [Mosley, Ferne](#); [ethics](#)
Subject: RE: OGE 278 filing deadline extension request - Byron Bunker
Date: Monday, May 11, 2020 7:00:41 PM

Thanks Ferne.

I appreciate the quick response and will be sure to submit my report on or before June 29.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
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From: Mosley, Ferne <mosley.ferne@epa.gov>
Sent: Monday, May 11, 2020 6:59 PM
To: Bunker, Byron <bunker.byron@epa.gov>; [ethics](#) <ethics@epa.gov>
Subject: RE: OGE 278 filing deadline extension request - Byron Bunker

Hello, Byron – thanks for contacting us. I can offer you a 45-day extension until June 29. The fact that the income tax filing deadline has been extended is not relevant to the statutory deadline for filing your financial disclosure report, as that deadline has not been extended. So, unfortunately, that is not “good cause” to request a 90-day extension of filing your OGE 278, especially when the necessary information required to file your OGE 278 should be in your possession as of January 2020, which will be your year-end brokerage statements.

Regarding your workload, I can appreciate that you have an increased workload, but a 90-day extension is really for those instances when you are unable to complete your report due to an extended illness as we assigned the reports to filers almost three months ago. I can offer you a 45-day extension for workload reasons, so your new due date will be June 29. We appreciate you taking your timely financial disclosure reporting requirements seriously.

Sincerely, Ferne

Ferne L. Mosley, Attorney-Advisor

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U.S. Environmental Protection Agency
William Jefferson Clinton Building – North, Room 4413A
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From: Bunker, Byron <bunker.byron@epa.gov>
Sent: Monday, May 11, 2020 6:11 PM
To: ethics <ethics@epa.gov>
Subject: OGE 278 filing deadline extension request - Byron Bunker

Hi OGC Ethics Team,

I would like to request a 90 day extension of my OGE 278 filing deadline for 2020. There are two related reasons for this request. First, I have experienced a significant increase in highly time sensitive work due to my team's role in responding to regulated party issues arising from COVID-19. The large volume of new and in many cases novel regulatory and policy issues requiring significant time investment on my part has made delaying filing my report a reasonable choice for me to make. Second, I have likewise (b) (6)

It has been my practice to use my income tax records as the primary source for new and useful check on older items that need to be reflected in my OGC 278 filing. In a normal year, my taxes are filed on or before April 15 and then my OGC 278 on or before May 15. A 90 day extension will allow a similar filing schedule for both obligations (July 15 and approximately August 15) for me this year.

Given the increased and unexpected workload I am experiencing and my related decision regarding my person income tax, I believe a 90 day extension would be appropriate.

Thanks for the help.

Best regards,

Byron

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